



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 10

COMPULSION ORDERS AND RESTRICTION ORDERS

CHAPTER 2

REVIEW OF ORDERS

Application by patient etc.

192 Application to Tribunal by patient and named person

- (1) This section applies where a patient is subject to a compulsion order and a restriction order.
- (2) Each of the persons mentioned in subsection (3) below may, subject to subsections (4) and (5) below, make an application under this section to the Tribunal for an order under section 193 of this Act—
 - (a) conditionally discharging the patient;
 - (b) revoking the restriction order to which the patient is subject;
 - (c) revoking the restriction order and varying the compulsion order by modifying the measures specified in it; or
 - (d) revoking the compulsion order to which the patient is subject.
- (3) Those persons are—
 - (a) the patient; and
 - (b) the patient's named person.
- (4) An application under this section may not be made—
 - (a) during the period of 6 months beginning with the making of the compulsion order;

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Application by patient etc. is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) during the period of 3 months beginning with—
 - (i) the making of an order in respect of the compulsion order made under section 193 of this Act; or
 - (ii) the making, under section 193 of this Act, by the Tribunal of a decision to make no order under that section.
- (5) Neither of the persons mentioned in subsection (3) above may make more than one application under this section during—
 - (a) the period of 12 months beginning with the day on which the compulsion order was made; or
 - (b) any subsequent period of 12 months that begins with or with an anniversary of the expiry of the period of 12 months mentioned in paragraph (a) above.
- (6) Where a patient’s named person makes an application under subsection (2) above, the named person shall give notice to the patient of the making of the application.

Modifications etc. (not altering text)

- C1** S. 192(4) modified (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Transitional and Savings Provisions\) Order 2005 \(S.S.I. 2005/452\)](#), arts. 1, **20(2)**

Commencement Information

- II** S. 192 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)